IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.27020 of 1996

Dated: 30-11-2006

Between:

Kondaveeti Francis.

..... PETITIONER

AND

1.The Sub-Inspector of Police,
Chennaraopet Police Station,
Chennaraopet, Warangal District and 2 others.

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.27020 of 1996

Order:

This Writ Petition has been instituted for declaring the action of the respondents in taking away the paddy crop harvested by the writ petitioner in the lands situated in Survey Nos.89 and 74 of Chennaraopet Village of Warangal District as illegal and arbitrary.

The Sub-Inspector of Police, Chennaraopet Police Station, has been impleaded as the first respondent, the Mandal Revenue Officer, Chennaraopet Mandal has been impleaded as the second respondent and one E.Swaroopa, Sarpanch of Timmarayanipadu Village has been impleaded as the third respondent. The writ petitioner has made very grave allegations against the respondents and claimed that the respondents have taken away the paddy crop raised and harvested by him in the lands in question.

The first respondent-Sub-Inspector of Police, Chennaraopet, has filed a detailed counter-affidavit. He had pointed out that the writ petitioner's wife K.Rajinamma had lodged a complaint against one Smt.M.Lurdhamma alleging that the latter was illegally and high handedly taking away the paddy crop raised by her husband and requested the Police to provide protection to their property. On the same day, the opposite party Smt.Lurdhamma also came to the Police Station and lodged a written complaint alleging that in a civil suit between the parties, the District Court, Warangal, passed decree in her favour on 20-11-1996 and that the writ petitioner has no manner of any right to walk away with the paddy crop raised by her. In view of these conflicting grievances, the first respondent suspected that it might end up in breach of peace in the locality and therefore, he visited the village. Finding the situation to be slightly tense, he sent word for the Mandal Executive Magistrate (M.R.O.) Chennaraopet, so as to enable an enquiry to be conducted at the site. During the course of such enquiry,

Smt.Lurdhamma had pointed out that she had succeeded in the civil dispute that was raised between the parties, and that in spite of the judgment and decree in her favour, the writ petitioner and his men were illegally taking away the paddy crop, to which, they were otherwise not entitled to, whereas the writ petitioner has asserted that there was no resolution of the dispute relating to the standing crop on the land before the civil Court, therefore, the civil Court's decree could not have covered the present standing crop, and thus, Smt.Lurdhamma has no manner of right to object the writ petitioner either from harvesting the crop or from attempting to take away the paddy therefrom. In view of this explosive situation, to secure the peace in the locality, a working arrangement has been sorted out by entrusting the custody of the harvested crop to the care of the Sarpanch and the Village Administrative Officer of the Village under a properly drawn panchanama. Since the Sub-Inspector of Police was very much present at the site, he had affixed his signature on the Panchanama so prepared. Thus, the first respondent indicates that the arrangement that has been worked out was only for the purpose of preserving peace and tranquility in the locality and that the respondents have not determined or adjudicated upon the rights of either of the parties for the standing crop in question. The measures adopted by them are merely for securing the interests of both sides so that they can sort out the problem by approaching the civil Court and secure appropriate directions for the custody of the paddy crop.

Sri L.Ravichander, the learned Counsel for the writ petitioner, points out that immediately thereafter, on 3rd December, 1996, when the writ petitioner has approached this Court and instituted Second Appeal No.616 of 1996 against the judgment rendered by the District Court, Warangal, this Court had passed certain interim directions enabling him to take custody of the crop and also continue to be in possession of the land subject to payment of certain amount of money. The learned Counsel would further submit that ultimately, the Second Appeal preferred by the writ petitioner came to be dismissed, thus, confirming the judgment and decree passed by t+he civil Court at Warangal, which was in favour of Smt.Lurdhamma.

Thus, it is more than evident that the measures taken by the respondents on 23-11-1996 were merely for the purposes of preserving the peace in the locality and such a measure is contemplated by Section 145 of the Criminal Procedure Code. Hence, the action taken by the respondents, on 23-11-1996, can hardly be faulted.

I, therefore, find no merit in the Writ Petition and it is, accordingly, dismissed, but however, without costs.

(Nooty Ramamohana Rao, J)

30th November, 2006
LUR